IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

R.S.A. No.2776 of 2006

Date of Decision:19.2.2007.

Ex.L/NK Subhash Chander

....Appellant.

Versus

Union of India and others.

...Respondents.

CORAM : Hon'ble Mr. Justice Hemant Gupta.

Present:- Mr.O.S.Batalvi,Advocate
for the appellant.

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HEMANT GUPTA, J.(ORAL)

The appellant is in Regular Second Appeal aggrieved against the judgment and decree passed by the learned First Appellate Court whereby the suit for declaration challenging the order dated 7.1.1999 dismissing the plaintiff from services was dismissed.

The said order dated 7.1.1999 was passed for the reason that the plaintiff abstained from duty on 23.3.1998 and reported on 30.3.98 i.e. after remaining absent for about 8 days. The plaintiff again absented from duty w.e.f. 5.4.1998 to 12.5.1998 i.e. after remaining absent for about 36 days. It has been found by learned First Appellate Court that Rule 31 of Central Reserve Police Force Rules, 1955, is not applicable as such rules is only applicable to a person who deserts the service and is not apprehended within 60 days of the commencement of the desertion. It was found that Rule 27 Central Reserve Police Force Rules, 1955, is applicable in the

facts of the present case as the plaintiff absented from duty for a specific period. It has been further found that the plaintiff was associated with the inquiry at a very stage and was given opportunity to cross examine the witnesses. The plaintiff was also permitted to produce his own evidence. Thereafter, the inquiry office has given report holding the plaintiff guilty of misconduct and the charges levelled against him was found to be proved.

Since, the inquiry against the plaintiff has been proved to be conducted in accordance with rules, I do not find that any cause is made out for interference in the order of dismissal passed by the competent authority. Though, learned counsel for the plaintiff has sought to argue that the plaintiff was not given any opportunity to cross examine the witnesses, but the finding recorded could not be disputed in any cogent manner.

In view thereof I do not find any illegality or irregularity in the findings, which may give rise to substantial question of law for consideration in this Court in second appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

19.2.2007.
Reema